

The Governor's Family Violence Council

2014 Legislative Agenda DOMESTIC VIOLENCE LEGISLATION

BILLS SUPPORTED BY THE FVC THAT PASSED

SB 333/HB 307 – Peace Orders and Protective Orders - Burden of Proof

Alters the standard of proof by which a judge in certain peace order hearings must make certain findings before a judge may issue a final peace order or mutual peace orders; alters the standard of proof by which a judge in certain protective order hearings must make certain findings before the judge may grant a final protective order or mutual protective order or extend the term of a protective order; and generally relates to the standard of proof in certain peace order and protective order hearings.

SB 334/HB 309 – Family Law – Domestic Violence – Permanent Protective Orders

Requires the court to issue a permanent final protective order against an individual who is sentenced to serve at least five years and has served at least 12 months of the sentence, instead of who served and expands the number of victims eligible for a final permanent protective order by adding the crime of assault in the second degree to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order against the individual under certain circumstances.

SB 337/HB 306 – Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

Prohibits a person from committing a certain crime of violence when the person knows or reasonably should know that a minor of a certain age is present in a residence and establishes a certain enhanced penalty for a violation of this Act.

SB 369/HB 352 – Peace Orders and Protective Orders – Penalties – Second or Subsequent Offense

Makes violations for failing to comply with an interim, a temporary, or a final protective order a prior offense for the purpose of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final peace order.

SB 434/HB647 – Peace Orders and Protective orders – Extension

Requires the court, if a motion to extend the term of a final peace order or a final protective order is filed during the term of the order, to hold a hearing within 30 days after the motion is filed; and requires the court, if the hearing is scheduled after the original expiration date of the order, to extend the order and keep the terms of the order in full force and effect until the hearing.

SB 790 – Health Insurance – Communications Between Carriers and Enrollees - Conformity with the Health Insurance Portability and Accountability Act (HIPPA)

Increases privacy and confidentiality for domestic violence victims by requiring the Maryland Insurance Commissioner to develop and make available a specified form for enrollees to use to request confidential communications from health insurance carriers.

BILLS SUPPORTED BY THE FVC THAT DID NOT PASS

SB 41/HB 775 - Domestic Violence – Persons Eligible for Relief

This bill would have moved dating violence and sexual assault out of the peace order statute and into the protective order statute. It would add to persons eligible for relief “an individual who has had a consensual or nonconsensual sexual relationship with the respondent.” Dating violence and sexual assault are volatile cases that need the special attention and more comprehensive relief found in the protective order statute. Over 41 other states currently include dating violence in their protective order statutes.

HB 1182 – Family Law – Protective Orders – Additional Relief

This bill would have authorized a judge in a final protective order to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief.

BILLS THE FVC OPPOSED THAT PASSED AFTER AMENDMENTS

HB 397 – Peace Orders and Protective Orders – Consent Orders - Shielding:

Authorizes a respondent who consents to the entry of a peace or protective order to file a written request to shield court records relating to the peace order or protective order proceeding under specified circumstances; requires the court, under specified circumstances, to order the shielding of all court records relating to a peace or protective order proceeding if the respondent consent to the entry of the order.

BILLS THE FVC OPPOSED THAT DID NOT PASS

HB 282 – Family Law – Peace Orders and Protective Orders – Shielding

This bill would have required a court, if a peace or protective order petition was dismissed or denied, to order the shielding of all court records related to the proceeding within five business days of the denial or dismissal.